



State of Ohio Environmental Protection Agency

Northeast District Office

EPA Region 5 Records Ctr.



313616

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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

August 20, 2008

RE: ASBESTOS AND FIRE REMEDIAL
ACTIVITIES
FORMER GENERAL INDUSTRIES SITE
ELYRIA, LORAIN COUNTY

CERTIFIED MAIL

Mr. John Peshek, Owner
B-Vest Properties
154 Olive Street
Elyria, Ohio 44035

Dear Mr. Peshek:

On July 17, 2008, you were sent a letter from the Ohio EPA Northeast District Office informing you that the remaining structures and debris piles resulting from the July 3, 2008, fire were found to contain regulated asbestos-containing material (RACM). The letter explained the specific work practice procedures required by law that must be taken when disturbing, salvaging, handling and/or removing the debris from the property, and also requested a written response from you stating the steps you would be taking to maintain the site until cleanup activities began. This letter is to summarize the developments that have taken place since our July 17, 2008, correspondence.

DEVELOPMENTS

Mold Retrieval:

On July 17, 2008, Ohio EPA received a notice from one of your customers, American Stonecast Products, Inc., requesting permission to enter the fire debris site and retrieve one of their molds which was thought to be under a section of the collapsed building debris.

On July 21, 2008, we sent the company a letter informing them that it was Ohio EPA's position that the debris on the site is classified as Asbestos Containing Waste Material (ACWM), and that any activities taken to retrieve the mold must comply with applicable state and federal standards.

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American Stonecast Products informed our agency they intended to retrieve the mold on August 1, 2008. An Ohio EPA inspector was on site during the activity and observed visible emissions while the ACWM was being disturbed. Despite those efforts, company representatives were unable to locate the mold. A warning letter is being drafted regarding the visible emissions that were observed, and will be sent to both American Stonecast Products and you under separate cover.

July 29, 2008, Site Inspection:

I met with you at the site and you gave me a hand-written copy of your response to our July 17, 2008, letter. The response stated that the property was fenced and the Elyria Fire Department was watering the site. You were to discuss steel removal from the property with Allied Waste on July 22, 2008. You further stated that you had no money for the cleanup and was looking for direction in getting state or federal funding for assistance.

You told me you wanted to be able to wash the bricks on site and recycle them. I informed you that only non-porous materials, such as metal, could be cleaned on site and reclaimed. I reiterated that the debris on the property was classified as ACWM and must be removed as soon as practical, in accordance with the state and federal asbestos standards.

July 31, 2008, Site Inspection:

On this date, Ohio EPA representatives Bob Princic, Tom Buchan and I met with you at the site. You again discussed wanting to wash the bricks in water tanks and recycle them. We informed you that because the bricks were a porous material and were in an asbestos-contaminated debris field, the method you wished to implement to wash and clean the bricks would not be acceptable unless it was an approved method already established by the U.S. EPA. (Subsequent to that discussion, we have confirmed with U.S. EPA representatives that there currently is no such U.S. EPA approved method for decontaminating asbestos-contaminated porous material.)

Also on this date, you informed us that Phase I and II studies had been previously conducted on the property and you were trying to obtain copies of the documents. Later that day, you telephoned and informed me that an asbestos inspection was conducted on the complex and you were told the report indicated no asbestos was found in the roofing material. You were attempting to obtain a copy of this report.

At this time, we were also informed by the Elyria Fire Department that they were no longer watering the site.

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August 8, 2008, site inspection:

On this date, I met with you and you gave me a copy of an April 22, 2004, asbestos survey, "Pre-demolition Asbestos Inspection Report," conducted at the facility by Smalley & Associates on April 2, 2004. While at your site, we contacted the evaluation specialist who had conducted the survey. He informed me that the inspection was only conducted on the buildings in the NE area of the complex, because they were the areas projected for demolition. (This area represented approximately 25% of all the buildings on the site, and included the buildings that remain standing as of this date.)

The report confirmed asbestos insulation was present on the orange-covered pipes. Although the report indicated no asbestos in the roofing material on the buildings in this area, the evaluation specialist told me they did not sample any roof flashing, and only sampled the built-up roofing (BUR) material. Because there was no laboratory analytical section included in the report, he was unable to tell me if the lab analyzed each layer of the BUR, or if it was a composite analysis. (Our subsequent review of the report has determined that it was inadequate and incomplete.)

During my August 8 site inspection, I obtained seven (7) samples of roofing material from the floor of the east building adjacent to the boiler room. The material fell from the burnt and partially-collapsed roof of the structure. Analysis results showed that each sample contained greater than one percent (1%) asbestos, making them a regulated material.

During this inspection, I also informed you that the city had discontinued watering the site, and I gave you a list of companies that supply and apply dust suppressants for industrial facilities. I stated to you that it was your responsibility to maintain the property so visible emissions of dust aren't created. You told me that money was a problem and discussed the potential decision to declare bankruptcy.

August 13, 2008, telephone correspondence:

On this date, I informed you of the sample results for the roofing material. You told me that you still intended to have additional sampling conducted, and also have Jack Vasi, a licensed asbestos hazard abatement specialist, submit a proposal that would include procedures to clean and reclaim the bricks and steel on the site.

Mr. Vasi also telephoned me and stated he was going to submit such a proposal. I stated that in order to be considered by Ohio EPA for approval, it must include documentation that the procedure he plans to implement to wash and clean the bricks is an established U.S. EPA approved method. I also told him that his proposal must include the procedures that will be used to dispose of the asbestos-contaminated debris.

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FINDINGS

Based on the follow-up inspections and additional sampling we conducted, it remains Ohio EPA's position that the debris piles are ACWM and are required to be handled as such.

We informed you that the City of Elyria has discontinued wetting the debris field, and that it is you as the property owner who is responsible for maintaining the site so visible emissions of dust aren't created. I provided you with a list of companies that supply and apply dust suppressants for industrial facilities, and told you that applying a suppressant to the debris field may be an alternative to frequent watering. Specific work practice and handling procedures must also be taken if any renovation or demolition takes place in the remaining structures.

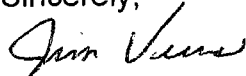
We are reiterating to you that the ACWM debris must be deposited as soon as practical, either in an Ohio waste disposal site that is permitted to accept RACM, or at a waste disposal site outside of Ohio that operates in accordance with the provisions of the National Emission Standard for Asbestos.

REQUESTED RESPONSE

Within ten (10) working days after receipt of this letter, we are requesting a written response that includes the efforts you have taken to contract a company that will dispose of the asbestos contaminated debris on the property, and the measures you are taking to prevent visible emissions of dust from the site.

If you have any questions regarding this letter, please contact me at (330) 963-1288.

Sincerely,



Jim Veres
District Representative
Ohio EPA Northeast District Office
Division of Air Pollution Control

JV:bo

cc: Dennis Bush, NEDO, DAPC
Bob Princic, NEDO, DAPC
Bob Bechtel, NEDO, DAPC
Tom Buchan, CO, DAPC
Steve Wolf, U.S. EPA – Westlake
Kathryn Boylan, Health Commissioner, City of Elyria Health Department
Christopher Eichenlaub, Safety Service Director, City of Elyria